

What is a Temporary Permit? A Temporary Permit allows a person to sell alcoholic beverages while waiting for their permanent license to issue. It is only issued to a person who has applied for a person-to-person transfer at the *same premises*. In other words, a temporary permit *cannot* be issued while waiting for an original (new) license or when transferring a license from one premises location to another location.

Statement Under Penalty of Perjury. When you obtain a temporary permit, you must sign a statement under penalty of perjury that all current obligations will be discharged and all outstanding checks issued in payment for alcoholic beverages will be honored on presentation. The statement is contained on the permit.

Signature. The temporary permit (Form ABC-280) must be signed by at least one of the applicants. When no one is available to sign, a signature on Form ABC-282, Declaration re Temporary Permit, will suffice.

Refunds. After a temporary permit has been issued (given to the applicant), no refund of the permit fee will be made for any reason.

Following is the text of the law on temporary permits (from the Business & Professions Code):

24045.5. The department in its discretion may issue a temporary permit to the transferee of any license to continue the operation of the premises during the period a transfer application for the license from person-to-person at the same premises is pending and when all the following conditions exist:

- (a) The premises shall have been operated under a license within 30 days of the date of filing the application for a temporary permit.
- (b) The license for the premises shall have been surrendered pursuant to rules of the department.
- (c) The applicant for the temporary permit shall have filed with the department an application for transfer of the license at the premises to himself or herself.
- (d) The application for the temporary permit shall be accompanied by a temporary permit fee of one hundred dollars (\$100).

A temporary permit issued by the department pursuant to this section shall be for a period not to exceed 120 days. A temporary permit may be extended at the discretion of the department for an additional 120-day period upon payment of an additional fee of one hundred dollars (\$100) and upon compliance with all conditions required herein. A temporary permit is a conditional permit and authorizes the holder thereof to sell the alcoholic beverages as would be permitted to be sold under the privileges of the license for which transfer application has been filed with the department.

Purchase of beer, wine and distilled spirits by the holder of a temporary permit shall be made only upon payment before or at time of delivery in currency or by check. However, the holder of a temporary permit who also holds one or more retail licenses and is operating under the retail license or licenses in addition to the temporary permit, and who is not delinquent under the provisions of Section 25509

as to any retail license under which he or she operates, may purchase alcoholic beverages on credit under the temporary permit.

All checks received by a seller for alcoholic beverages purchased by the holder of a temporary permit shall be deposited not later than the second business day following the date the alcoholic beverages are delivered.

A check dishonored on presentation shall not be deemed payment. The receipt by the seller or his or her agent in good faith from a holder of a temporary permit of a check dishonored on presentation shall not be cause for disciplinary action against the seller.

Transfer of the license for which the holder of a temporary permit has filed application shall not be approved by the department until the holder of the temporary permit has filed with the department a statement executed under penalty of perjury that all current obligations have been discharged, and that all outstanding checks issued by him or her in payment for alcoholic beverages will be honored on presentation.

It shall not be a violation of this section or otherwise grounds for disciplinary action for any licensee to extend credit to the holder of a temporary permit or to receive payment from the permittee in a manner other than authorized herein unless the seller had knowledge of the fact that the purchaser was operating under a temporary permit. Knowledge of the fact may be established by evidence, including, but not limited to, evidence that, at the time of receipt of payment or the extension of credit, the premises operated under a temporary permit were posted with the notice required by Section 23985, or the holder of the temporary permit had published notice as required by Section 23986, or the holder of the temporary permit had recorded and published notice pursuant to Division 6 (commencing with Section 6101) of the Commercial Code.

Refusal by the department to issue or extend a temporary permit shall not entitle the applicant to petition for such permit pursuant to Section 24011, or to a hearing pursuant to Section 24012. Articles 2 (commencing with Section 23985) and 3 (commencing with Section 24011) shall not apply to temporary permits.

Notwithstanding any other provision of law, a temporary permit may be canceled or suspended summarily at any time if the department determines that good cause for cancellation or suspension exists. Chapter 8 (commencing with Section 24300) of this division shall not apply to temporary permits.

Application for a temporary permit shall be on any form the department shall prescribe. If an application for temporary permit is withdrawn before issuance or is refused by the department, the fee which accompanied the application shall be refunded in full, and Section 23959 shall not apply. Fees received by the department for issuance of temporary permits shall be deposited in the Alcohol Beverage Control Fund as provided in Section 25761.